IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6029 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA
and
Hon'ble MR.JUSTICE N.G.NANDI

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1. Whether Reporters of Local Papers may be allowed to see the judgement? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

CORNER STONES BRANDS LTD

Versus

UNION OF INDIA

Appearance:

MR SN THAKKAR for MR BHARAT T RAO for Petitioner

MR DN PATEL, ld.Central Govt.Standing Counsel for respondents.

CORAM : MR.JUSTICE M.R.CALLA
and
MR.JUSTICE N.G.NANDI

Date of decision: 27/07/2001

ORAL JUDGEMENT

(Per : MR.JUSTICE M.R.CALLA)

Rule. Mr.D.N.Patel waives service of Rule on behalf of the respondents.

Learned Counsel for the petitioner has submitted that the petitioner's appeal along with the stay application is pending before the CEGAT against the orders of the Commissioner of Central Excise, Ahmedabad-respondent no.2 herein since 3rd May 2001 and so far, the stay application has not been taken up. It is submitted that the CEGAT has not been working to its full strength for the last few months and the second Bench has also started functioning recently for a few days in a week. This factual position is not disputed by Mr.Patel.

In the facts and circumstances of this case, we direct that no coercive measures to enforce the recovery shall be taken against the petitioner under the impugned orders passed by the Commissioner of Central Excise, Ahmedabad till appropriate orders are passed by the CEGAT in the stay application moved by the petitioner in the pending appeal. The CEGAT shall take up the stay application at the earliest, but in no case later than eight weeks from today. This Special Civil Application is hereby disposed of and the Rule is decided accordingly. Direct service is permitted.

27th July 2001 (M.R. Calla, J.)

(N.G. Nandi, J.)

Sreeram.